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p. mckunng

RESPONSE UNDER 37 C.F.R. § 1.116
-- EXPEDITED PROCEDURE --
EXAMINING GROUP 2800

Our Docket No.: 42390P4577

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Phillip E. Mattison)	Examiner: Luu, T.
)	
Application No: 09/307,574)	Art Unit: 2878
)	
Filed: Concurrently Herewith)	
)	
For: Method And Circuits For Intrinsic)	
Processing Of Image Data Within)	
Image Sensing Devices)	
)	

PRELIMINARY AMENDMENT

Box CPA
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In Response to the Final Office Action mailed on June 27, 2001, the Applicant respectfully requests the Examiner to enter the following amendment and to consider the following remark.

FIRST CLASS CERTIFICATE OF MAILING

I hereby certify that I am causing the above-referenced correspondence to be deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and that this paper or fee has been addressed to the Assistant Commissioner for Patents, Washington, D. C. 20231

August 27, 2001

Date of Deposit

Debbie Peloquin

Name of Person Mailing Correspondence

Debbie Peloquin

Signature

August 27, 2001

Date



08-29-01

CPA/2878\$

PTO/SB/29 (10-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:
[☒] DUPLICATE

#9/CPA
9/4/01
C. McHuang

Address to: Assistant Commissioner for Patents
Box CPA
Washington, D. C. 20231

Attorney Docket No. of Prior Application 42390P4577
First Named Inventor Phillip E. Mattison
Examiner Name Luu, T.
Group Art Unit 2878
Express Mail Label No. EL886506822US

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This is a request for a [☒] continuation or [☐] divisional under 37 CFR 1.53(d)
(continuation prosecution application (CPA)) of prior application No: 09/307,574
filed on May 7, 1999, entitled Method and Circuits For Intrinsic Processing Of Image Data Within Image Sensing Devices

If the Patent and Trademark Office determines that this request under 37 CFR 1.53(d) is improper, the Office is requested to treat this CPA as a request for continued examination of the above identified application under 37 CFR 1.114.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application practice," Final rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
☐ a. DELETE the following inventor(s) named in the prior nonprovisional application:

☐ b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. ☐ Information Disclosure Statement (IDS) is enclosed:
a. ☐ PTO - 1449
b. ☐ Copies of IDS Citations

08/30/2001 SDENBOB1 00000096 09307574

01 FC:131

710.00 0P

CLAIMS

(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
Total Claims (37 CFR 1.16(c) or (j))	5 - 20* =	0	X \$ 18.00 =	\$
Independent Claims (37 CFR 1.16(b) or (j))	1 - 3** =	0	X \$ 80.00 =	\$
Multiple Dependent Claims (if applicable) (37 CFR 1.16(d))			+ \$	= \$
			BASIC FEE (37 CFR 1.16(a))	\$ 710.00
Total of above Calculations =				\$
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				\$
TOTAL =				\$ 710.00

* Reissue claims in excess of 20 and over original patent.

** Reissue independent claims over original patent.

6. Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 02-2666.
- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. Fees required under 37 CFR 1.18.
8. ☒ A check in the amount of \$ 710.00 is enclosed.
9. Payment by credit card. Form PTO-2038 is attached.
10. Applicant requests suspension of action under 37 CFR 1.103(b) for a period of months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11. New Attorney Docket Number, if desired
(Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.)
12. a. Receipt for Facsimile Transmitted CPA (PTO/SB/29A)
b. ☒ Return Receipt Postcard (Should be specially itemized, See MPEP 503)
13. Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. (Reminder: First investigate foreign filing question).
14. Other:

NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

14. NEW CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label
OR
(Insert Customer No. or Attach Bar Code Label here)

New Correspondence Address Below

NAME

ADDRESS

CITY STATE ZIP CODE

COUNTRY TELEPHONE FAX

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME Mark J. Fink SIGNATURE 

REGISTRATION NO. 45, 270 DATE August 27, 2001

PTO/SB/35(11-00)

Approved for use through 10/31/2002. OMB 0651-0031

**FEE TRANSMITTAL FOR FY 2001****TOTAL AMOUNT OF PAYMENT (\$)** 710.00**Complete if Known:**Application No. 09/307,574Filing Date Concurrently HerewithFirst Named Inventor Phillip E. MattisonGroup Art Unit 2878Examiner Name Luu, T.Attorney Docket No. 42390P4577**METHOD OF PAYMENT (check one)**

1. ☒ [X] The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666
Deposit Account Name _____

☒ [X] Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ [] Applicant claims small entity status. See 37 CFR 1.27

2. ☒ [X] Payment Enclosed: ☒ [X] Check

Credit Card
Money Order
Other

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Code	Fee (\$)	Code	Fee (\$)		
101	710	201	355	Utility application filing fee	<u>710.00</u>
106	320	206	160	Design application filing fee	_____
107	490	207	245	Plant filing fee	_____
108	710	208	355	Reissue filing fee	_____
114	150	214	75	Provisional application filing fee	_____

SUBTOTAL (1) \$ 710.00**2. EXTRA CLAIM FEES**

		Extra Claims	Fee from below	Fee Paid
Total Claims	<u>5</u>	- 20** = <u>0</u>	<input checked="" type="checkbox"/> [X] _____	= _____
Independent Claims	<u>1</u>	- 3** = <u>0</u>	<input checked="" type="checkbox"/> [X] _____	= _____
Multiple Dependent			_____	= _____

****Or number previously paid, if greater; For Reissues, see below.**

Large Entity		Small Entity		Fee Description	Fee Paid
Code	Fee (\$)	Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	<u>0.00</u>
102	80	202	40	Independent claims in excess of 3	<u>0.00</u>
104	270	204	135	Multiple dependent claim, if not paid	<u>0.00</u>
109	80	209	40	**Reissue independent claims over original patent	<u>0.00</u>
110	18	210	9	**Reissue claims in excess of 20 and over original patent	<u>0.00</u>

SUBTOTAL (2) \$ _____**FEE CALCULATION (continued)**

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3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee r cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	For filing a submission after final rejection (see 37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (see 37 CFR 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____					
Other fee (specify) _____					
SUBTOTAL (3) \$ _____					

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:

Typed or Printed Name: Mark J. Fink

Signature: 

Date: August 27, 2001

Reg. Number: 45,270

Telephone Number: 303-740-1980

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.